IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5536 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PURUSHOTTAMBHAI C PARMAR - Petitioner(s)
Versus
ORIENTAL INSURANCE CO & 1 - Respondent(s)

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Appearance :
MR RK MISHRA for Petitioner(s) : 1,
MR DARSHAN M PARIKH for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 23/11/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed

for appropriate writ, order or direction holding and declaring that the action on the part of respondent authorities of rounding up the vacancies of promotions for the years 1995, 1996 and 1997 and completing the process to be illegal. In substance, the petitioner has challenged the action of the respondent – Insurance Company in not promoting the petitioner.

2. Today, when the matter is called out, Mr.Darshan Parikh, learned advocate originally appearing on behalf of the respondents, has submitted that he has already retired from the matter and the respondent Insurance Company is already communicated accordingly vide communication dated 30.12.2005. Mr.R.K.Mishra, learned advocate appearing for the petitioner has submitted that he has tried to contact the petitioner and has sent two communications dated 7.9.2006 and 17.11.2006, however, the petitioner has not contacted him and he has no further instructions. However, Mr.Parikh has submitted, as per his recollection, that the petitioner was already promoted during pendency of the present petition.

3. In view of the above, it appears that the

petitioner might have no grievance and is not interested in prosecuting this matter and therefore, in spite of two communications, he has not contacted Mr.Mishra, learned advocate. Under the circumstances, without entering into the merits of the present petition, the present petition is disposed of. However, liberty is reserved in favour of the petitioner to revive the present petition in case of difficulty or any cause still survive. Rule is discharged. Interim relief, if any, granted earlier stands vacated. No coss.

(M.R.Shah,J)

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